

# Court of Appeals, State of Michigan

## ORDER

People of MI v Tiwan Demitrus Shaw

Docket No. 263511

LC No. 05-001701-01

Mark J. Cavanagh  
Presiding Judge

Richard A. Bandstra

Donald S. Owens  
Judges

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The Court orders that the motion for reconsideration of the October 24, 2006, opinion is  
DENIED.

Appellant's counsel was appointed to represent appellant in this appeal on June 21, 2005, when the appeal was initiated. The transcript of the May 9, 2005, motion hearing was not ordered by the trial court with the filing of the claim of appeal, but the hearing was reflected on the register of actions that was available to Attorney Cripps at that time and he could have requested its production then or taken appropriate action to secure it when he determined that he should raise the related issue in appellant's brief that was filed January 23, 2006. Alternatively, he might have taken appropriate action following the filing of the appellee's brief on March 21, 2006, which highlighted appellant's failure to provide the transcript of the May 9, 2006, hearing. Further, although this Court's Clerk's Office made repeated telephone requests that Attorney Cripps secure the transcript beginning in July 2006 and continuing through mid-September 2006, Attorney Cripps appears not to have taken action to request it from the trial court until a time coincident with or subsequent to this Court's September 22, 2006, mailing of the notice of submission of the appeal to this panel for final disposition. In our view, it is no excuse that the trial court did not include the May 9, 2005, transcript in the initial order. MCR 6.425(G)(2) states: "If the appointed lawyer timely requests additional transcripts, the trial court shall order such transcripts within 14 days after receiving the request."

Further, we have reviewed the issue related to the May 9, 2005, transcript, even though it was not preserved, and find it to be without merit.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

DEC 22 2006

Date

*Sandra Schultz Mengel*  
Chief Clerk